IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 188/2006

LIYAKAT ALI Vs. STATE OF RAJASTHAN

Date of order: 21.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. T.N. Chaturvedi for the complainant.

****

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 19.01.2006 passed by the Special Judge (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur in Sessions Case No. 21/2005, whereby charges for the offence under Sections 364/120-B and 420 IPC have been framed against the accused-petitioner.

Learned counsel for the petitioner submits that the trial Court has not considered this aspect that the complainant himself has given the affidavit on oath that he does not want to pursue the complaint as the petitioner has already paid the outstanding amount of Rs. 1,25,000/- which has been sent at the address of Zurich (Switzerland) through debit card much before

lodging the FIR and thus, entire outstanding amount of Rs. 2,20,000/- has been realised, therefore, the complainant do not want to pursue the complaint.

Here learned counsel Mr. T.N. Chaturvedi who is representing the complainant has stated on oath that the complainant does not want to pursue the complaint.

In such circumstances, framing of the charges against the accused-petitioner is meaningless as the complainant does not want to pursue his complaint. Therefore, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 19.01.2006 passed by the Special Judge (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur.

The revision petition stands allowed accordingly.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/